

Appln No. 09/471,208
Amdt date June 6, 2005
Reply to Office action of April 4, 2005

Amendments to the Drawings:

The attached sheets of formal drawings replace the informal Figures 1-20 that were originally filed with the application.

Attachment: Replacement Sheets

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REMARKS/ARGUMENTS

Claims 1-27 are currently pending in this application.

Applicant submits herewith new corrected drawings to replace the drawings that were originally filed with the application. Entry of the corrected drawings is respectfully requested.

Claims 1-4, 7, 9-12, 14-17, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kalra (U.S. Patent No. 5,953,506) in view of Meyer et al. (U.S. Patent No. 6,272,650), Zamiska (U.S. Patent No. 6,157,929), and Progressive Networks ("RealVideo Content Creation Guide," v. 1.0). Claims 5-6, 8, 13, 18-19, and 21 are rejected as being unpatentable over Kalra, Meyer, Zamiska, and Progressive Networks, and further in view of either Brunson (U.S. Patent No. 5,760,823), Roach (U.S. Patent No. 5,999,172), or McCutchen (U.S. Patent No. 6,141,034). Claim 22 is rejected as being unpatentable over Meyer, Progressive Networks, and Zamiska. Claims 23 and 27 are rejected as being unpatentable over Meyer, Progressive Networks, and Zamiska in further view of Bolosky (U.S. Patent No. 6,134,596). Claims 24-26 are objected to as being dependent upon a rejected based claim, but would be allowable if rewritten in independent form.

Applicant respectfully traverses the above rejections.

With respect to independent claim 1, the Examiner contends that Kalra teaches all the limitations of claim 1 except that Kalra fails to teach or suggest:

"first and second streaming data being respectively associated with first and second scenes of a single 3D animated content;

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identifying a first duration of a first scene and a second duration of a second scene;

storing the streaming data for the first and second scenes in first and second stream files associated with the scenes, each stream file being of a size calculated from the identified data rate and the duration of the respective scene; and

streaming each stream file over the network connection during playback of the respective scene, the stream file calculated to finish downloading by the remote user computer prior to the end of the playback of the respective scene."

With respect to the limitation of "first and second streaming data being respectively associated with first and second scenes of a single 3D animated content," the Examiner relies on the disclosure of Meyer to make up for the deficiency in Kalra.

It is well-settled that an Examiner cannot establish a *prima facie* case of obviousness merely by locating references which describe various aspects of a patent applicant's invention -- the Examiner must also show some objective teaching in the prior art that would lead one of ordinary skill in the art to combine the relevant teachings of the references. The Examiner here fails to point to any objective evidence which would motivate one of ordinary skill in the art to modify Kalra in the manner taught by Meyer. Instead, the Examiner makes a broad conclusory statement that would have been obvious to do so "for the purpose of adding interactivity to the user." (Office action, p. 4, last par. - p. 5, first par.).

Applicant respectfully submits that a person of skill in the art would have had no reason to add interactivity to Kalra's

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media delivery system. Kalra is simply focused on providing multimedia content via different streams "to match the profile of each client computer so that the best combination of streams can be provided to maximize the resolution of the 3D, audio, and video components." (Abstract). Kalra makes no mention of interactivity, nor a desire to provide such interactivity in its system. In fact, adding such interactivity would make Kalra's system more complicated.

Furthermore, the Examiner acknowledges that even the combination of Kalra and Meyer fails to teach:

"identifying a first duration of a first scene and a second duration of a second scene;

storing the streaming data for the first and second scenes in first and second stream files associated with the scenes, each stream file being of a size calculated from the identified data rate and the duration of the respective scene; and

streaming each stream file over the network connection during playback of the respective scene, the stream file calculated to finish downloading by the remote user computer prior to the end of the playback of the respective scene."

With respect to the limitation of "identifying a first duration of a first scene and a second duration of a second scene," the Examiner relies on the teachings of Zamiska for the deficiencies of Kalra and Meyer.

The Examiner contends that a person of skill in the art would have been motivated to modify the system of Kalra and Meyer "to include means for identifying the duration of each of said first and second scenes, as taught by Zamiska, for the purpose of facilitating the synchronization of various streams

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in a system for distributing 3D animated content." (Office action, p. 5, second par.). Applicant respectfully disagrees.

In Kalra, any "synchronization" of the additive and base streams is based on codes encoded in the streams, and not on any identification of scene durations. As illustrated in FIG. 7 and explained in column 6, lines 10-26, each stream contains a related sequence start code and related picture start codes. Associated with each picture start code is a picture header information including a next pointer, a drop frame code, a temporal reference, and a sequence end code. "Such codes are used . . . so that any desired subset of the additive adaptive streams can be transmitted from a server to an end user and subsequently be decoded to reconstruct the video sequence at a resolution that corresponds to the number of additive adaptive streams that have been transmitted." (Id.) Thus, contrary to the Examiner's contention, a person of skill in the art would not have been motivated to modify Kalra "to include means for identifying the duration of each of said first and second scenes, as taught by Zamiska, for the purpose of facilitating the synchronization of various streams in a system for distributing 3D animated content."

In Meyer, the timing of the transmission of the various animation scenes is based on a user's interaction with a current scene. There is no teaching or suggestion in Meyer that it is based on any identification of a duration of a current scene. Thus, there is also no desire or motivation to modify Meyer's system to include a means for identifying the duration of each scene for synchronization purposes as proposed by the Examiner.

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The Examiner acknowledges that even the combination of Kalra, Meyer, and Zamiska fails to teach:

"storing the streaming data for the first and second scenes in first and second stream files associated with the scenes, each stream file being of a size calculated from the identified data rate and the duration of the respective scene; and

streaming each stream file over the network connection during playback of the respective scene, the stream file calculated to finish downloading by the remote user computer prior to the end of the playback of the respective scene."

However, the Examiner proposes to combine yet another reference, Progressive Networks, to the teachings of Kalra, Meyer, and Zamiska, in order to make up for this deficiency. In doing so, the Examiner contends that "the size of a steam [sic] file is inherently calculated based on the duration of a scene, i.e., file size is \geq (data rate of the file) \times (scene duration)." Applicant respectfully disagrees. There is no teaching or suggestion in Progressive Networks that the scene duration is taken into account in encoding a particular video/audio content. What is taken into account is the audio codec, video bit rate, total bit rate, video quality and frame rate. (See, p. 30). Accordingly, claim 1 is now in condition for allowance.

Claims 9, 14, and 22 include limitations that are similar to the limitations of claim 1 which make claim 1 allowable, and are therefore also in condition for allowance.

With respect to claims 23 and 27, the Examiner acknowledges that the combination of Meyer, Progressive Networks, and Zamiska fails to disclose "media content inserted in each stream file" that is "streamed via a plurality of data blocks, each data

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block being associated with a start transmission time, the method further comprising:

assigning a start transmission time to a first data block based on a size of the first data block and the identified data rate;

assigning a start transmission time to each successive data block based on its respective size and the identified data rate; and

recursively updating a start time of a previous data block based on the calculation of the start transmission time of the successive data block."

However, the Examiner contends that Bolosky discloses these limitations. Applicant respectfully disagrees.

Bolosky discloses data files that are distributed across different data servers. The data files have different data transmission rates at which they are served over a network to clients in the form of data streams. A scheduling unit maintains a network schedule that provides a relative ordering of transmission times of requested data streams. When a transmission time for a data file block approaches, the scheduling unit instructs the appropriate data server to read a data block for that data file from the disk prior to the transmission time in the network schedule. (See, Abstract). There are a number of protocols that may be used to ensure that the data is read from the disk prior to the corresponding block play time. One approach is to read the block at a latest possible time prior to the corresponding play time, with conflicting reads being resolved in favor of reading first the

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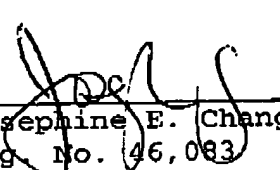
block with the soonest deadline. (Col. 9, lines 18-24). There is no teaching in Bolosky, however, of "recursively updating a start time of a previous data block based on the calculation of the start transmission time of the successive data block" as is required by claims 23 and 27. (Emphasis added). Accordingly, claims 23 and 27 are now in condition for allowance.

Claims 2-8, 10-13, 15-21, and 23-26 are also in condition for allowance because they depend on an allowable base claim, and for the additional limitations that they contain.

In view of the above amendments and remarks, reconsideration and an early indication of allowance of all pending claims 1-27 are respectfully requested.

Respectfully submitted,
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